



Texas Department of Transportation

VEHICLE TITLES AND REGISTRATION DIVISION • AUSTIN, TEXAS 78779-0001 • (512) 465-7611

July 2, 2001

Registration and Title Bulletin # 082-01

TO: All County Tax Assessor-Collectors

SUBJECT: Collection and enforcement of toll fees on certain toll roads and projects (SB 454).

PURPOSE

To inform you of the enforcement and penalties for failure or refusal to pay the proper toll to toll collection facilities.

DETAILS

Section 1. §224.155, Transportation Code was amended by the 77th Legislature and states that the operator of a vehicle other than an authorized emergency vehicle (i.e. fire truck, police vehicle, ambulance, etc.) that is driven or towed through a toll collection facility shall pay the proper toll. The operator who drives or tows an unauthorized vehicle through a toll collection facility and does not pay the proper toll commits an offense, which is, under this section, a misdemeanor punishable by a fine not to exceed \$250. In the event of nonpayment of the proper toll the registered owner is liable for the payment of both the proper toll and an administrative fee, not to exceed \$100, to recover the cost of collecting an unpaid toll. The registered owner shall pay a separate toll and administrative fee for each event of nonpayment under this section.

A copy of SB 454 is attached.

CONTACT(S)

If you have any questions regarding the information in this bulletin, please contact your local TxDOT Vehicle Titles and Registration Division Regional Office or the VTR Customer Help Desk at 1-877-933-2020. Thank you.

Sincerely,

Jerry L. Dike, Director
Vehicle Titles and
Registration Division

cc: VTR Administration
Law Enforcement Agencies

AN ACT

relating to the collection and enforcement of tolls on certain toll roads and toll projects; providing for civil and criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 224.155, Transportation Code, is amended to read as follows:

Sec. 224.155. FAILURE OR REFUSAL TO PAY TOLL; OFFENSE [CHARGES]. (a) The operator of a [Any-motor] vehicle other than an authorized [a-police-or] emergency vehicle that is driven or towed through a toll collection facility shall pay the proper toll.

(b) The operator of a vehicle who drives or tows a vehicle through a toll collection facility and does not pay the proper toll commits an offense.

(c) An offense under this section is a misdemeanor punishable by a fine not to exceed \$250.

(d) In this section, "authorized emergency vehicle" has the meaning assigned by Section 541.201.

SECTION 2. Section 224.156, Transportation Code, is amended to read as follows:

Sec. 224.156. ADMINISTRATIVE FEE; NOTICE; OFFENSE. (a) In the event of nonpayment of the proper toll as required by Section 224.155, on issuance of a written [proper] notice of nonpayment, the registered owner of the nonpaying vehicle is liable for the payment of [legally--bound--to--pay] both the proper toll and an

1 administrative fee.

2 (b) The commission by rule and a transportation corporation
3 by order of its board of directors may respectively impose and
4 collect ~~[fix]~~ an administrative fee, not to exceed \$100, to recover
5 the cost of collecting an unpaid toll. The department shall send a
6 written notice of nonpayment to the registered owner of the vehicle
7 at that owner's address as shown in the vehicle registration
8 records of ~~[shall--be-sent-by]~~ the department by first-class mail
9 not later than the 30th day ~~[30-days]~~ after the date of the alleged
10 failure to pay and may require payment not sooner than the 30th day
11 ~~[30-days]~~ after the date the notice was mailed. The registered
12 owner shall pay a separate toll and administrative fee for each
13 event of nonpayment under Section 224.155.

14 (c) The ~~[If-the]~~ registered owner of a ~~[the]~~ vehicle for
15 which the proper toll was not paid who is mailed a written notice
16 of nonpayment under Subsection (b) and fails to pay the proper toll
17 and administrative fee within the time specified by the notice of
18 nonpayment commits an offense. Each failure to pay a toll or
19 administrative fee under this subsection is a separate offense
20 ~~[issued--under-this-section, the registered owner shall be cited as~~
21 ~~for other traffic violations for the nonpayment, and the owner is~~
22 ~~legally bound to pay a fine, not to exceed \$250, for each event of~~
23 ~~nonpayment, Neither the legal obligation to pay nor the actual~~
24 ~~payment of the fine affects the legal duty of the owner for any~~
25 ~~other fine or penalty prescribed by law].~~

26 (d) It is an exception to the application of Subsection (a)

1 or (c) if the registered owner of the vehicle is a lessor of the
2 vehicle and, not later than the 30th day after the date the notice
3 of nonpayment is mailed, provides to the department or the
4 transportation corporation a copy of the rental, lease, or other
5 contract document covering the vehicle on the date of the
6 nonpayment under Section 224.155, with the name and address of the
7 lessee clearly legible. If the lessor provides the required
8 information within the period prescribed, the department or the
9 transportation corporation may send a notice of nonpayment to the
10 lessee at the address shown on the contract document by first-class
11 mail before the 30th day after the date of receipt of the required
12 information from the lessor. The lessee of the vehicle for which
13 the proper toll was not paid who is mailed a written notice of
14 nonpayment under this subsection and fails to pay the proper toll
15 and administrative fee within the time specified by the notice of
16 nonpayment commits an offense. The lessee shall pay a separate
17 toll and administrative fee for each event of nonpayment under
18 Section 224.155. Each failure to pay a toll or administrative fee
19 under this subsection is a separate offense.

20 (e) It is an exception to the application of Subsection (a)
21 or (c) if the registered owner of the vehicle transferred ownership
22 of the vehicle to another person before the event of nonpayment
23 under Section 224.155 occurred, submitted written notice of the
24 transfer to the department in accordance with Section 520.023, and,
25 before the 30th day after the date the notice of nonpayment is
26 mailed, provides to the department or the transportation

1 corporation the name and address of the person to whom the vehicle
2 was transferred. If the former owner of the vehicle provides the
3 required information within the period prescribed, the department
4 or the transportation corporation may send a notice of nonpayment
5 to the person to whom ownership of the vehicle was transferred at
6 the address provided the former owner by first-class mail before
7 the 30th day after the date of receipt of the required information
8 from the former owner. The subsequent owner of the vehicle for
9 which the proper toll was not paid who is mailed a written notice
10 of nonpayment under this subsection and fails to pay the proper
11 toll and administrative fee within the time specified by the notice
12 of nonpayment commits an offense. The subsequent owner of the
13 vehicle shall pay a separate toll and administrative fee for each
14 event of nonpayment under Section 224.155. Each failure to pay a
15 toll or administrative fee under this subsection is a separate
16 offense.

17 (f) An offense under this section is a misdemeanor
18 punishable by a fine not to exceed \$250.

19 (g) The court in which a person is convicted of an offense
20 under this section shall also collect the proper toll and
21 administrative fee and forward the toll and fee to the department
22 or to the transportation corporation.

23 (h) In this section, "registered owner" means the owner of a
24 vehicle as shown on the vehicle registration records of the
25 department or the analogous department or agency of another state
26 or country.

1 SECTION 3. Section 224.157, Transportation Code, is amended
2 to read as follows:

3 Sec. 224.157. PRESUMPTIONS; PRIMA FACIE EVIDENCE; DEFENSES
4 [PROSECUTIONS]. (a) In the prosecution of an offense [a
5 violation] under Section 224.155 or 224.156, proof that the vehicle
6 was driven or towed through the toll collection facility without
7 payment of the proper toll may be shown by a video recording,
8 photograph, electronic recording, or other appropriate evidence,
9 including evidence obtained by automated enforcement technology.

10 (b) In the prosecution of an offense under Section
11 224.156(c), (d), or (e):

12 (1) it is presumed that the notice of nonpayment was
13 received on the fifth day after the date of mailing;

14 (2) a computer record of the department of the
15 registered owner of the vehicle is prima facie evidence of its
16 contents and that the defendant was the registered owner of the
17 vehicle when the underlying event of nonpayment under Section
18 224.155 occurred; and

19 (3) a copy of the rental, lease, or other contract
20 document covering the vehicle on the date of the underlying event
21 of nonpayment under Section 224.155 is prima facie evidence of its
22 contents and that the defendant was the lessee of the vehicle when
23 the underlying event of nonpayment under Section 224.155 occurred
24 [Sections--224.155--and--224.156--proof--that--the--vehicle--passed
25 through--a--toll--collection--facility--without--payment--of--the--proper
26 toll,--together--with--proof--that--the--defendant--was--the--registered

1 owner-of-the-vehicle-when-the-failure-to-pay-occurred,--establishes
2 the-nonpayment-of-the-registered-owner].

3 [(b)--The--court--of--the--local--jurisdiction--in--which-the
4 violation-occurred-may-assess-and-collect-the-fine-in--addition--to
5 any--court-costs.--The-court-shall-also-collect-the-proper-toll-and
6 administrative-fee-and-forward-the-toll-and-fee-to--the--department
7 or-to-the-transportation-corporation.]

8 (c) It is a defense to prosecution [nonpayment] under
9 Section 224.156(c), (d), or (e) [224.155--or-224.156] that the
10 [motor] vehicle in question was stolen before the date that the
11 failure to pay the proper toll occurred and had [was] not been
12 recovered before [by-the-time-of] the failure to pay occurred, but
13 only if the theft was reported to the appropriate law enforcement
14 authority before the earlier of:

- 15 (1) the occurrence of the failure to pay; or
16 (2) eight hours after discovery of the theft.

17 [(d)--A-registered--owner--who--is--a--lessor--of--a--vehicle
18 concerning--which--a--notice-of-nonpayment-was-issued-under-Section
19 224.156-is-not-labile-in-connection-with-that-notice-of--nonpayment
20 if,--not-later-than-30-days-after-the-date-the-notice-of-nonpayment
21 is-mailed,--the-registered-owner-provides-to-the-department--or--the
22 transportation--corporation--a-copy-of-the-rental,--lease,--or-other
23 contract--document--covering--the--vehicle--on--the--date--of--the
24 nonpayment,--with--the--name--and--address--of--the--lessee-clearly
25 legible.--Failure-to-provide-this--information--within--the--period
26 prescribed--renders--the-lessor-labile-as-the-registered-owner.--If

1 ~~the lessor provides the required information within the period~~
2 ~~prescribed, the lessee of the vehicle on the date of the violation~~
3 ~~is considered to be the owner of the vehicle for purposes of this~~
4 ~~subchapter and is subject to prosecution for failure to pay the~~
5 ~~proper toll as if the lessee were the registered owner, if the~~
6 ~~department or the transportation corporation sends a notice of~~
7 ~~nonpayment to the lessee by first class mail within 30 days after~~
8 ~~the date of receipt of the required information from the lessor.]~~

9 SECTION 4. Subsection (b), Section 224.158, Transportation
10 Code, is amended to read as follows:

11 (b) Any peace ~~[law enforcement]~~ officer of this state may
12 ~~[the Department of Public Safety has the authority to]~~ seize a
13 stolen or insufficiently funded transponder and ~~[to]~~ return it to
14 the department or the transportation corporation, except that an
15 insufficiently funded transponder may not be seized sooner than 30
16 days after the date the department or the transportation
17 corporation has sent a notice of delinquency to the holder of the
18 account.

19 SECTION 5. Subchapter F, Chapter 224, Transportation Code,
20 is amended by adding Section 224.160 to read as follows:

21 Sec. 224.160. AUTOMATED ENFORCEMENT TECHNOLOGY. (a) To aid
22 in the collection of tolls and in the enforcement of toll
23 violations, including tolls on temporary toll projects authorized
24 by Section 222.102, the commission may use automated enforcement
25 technology that it determines is necessary, including automatic
26 vehicle license plate identification photography and video

1 surveillance, by electronic imaging or photographic copying.

2 (b) Automated enforcement technology approved by the
3 commission under Subsection (a) may be used only for the purpose of
4 producing, depicting, photographing, or recording an image of a
5 license plate attached to the front or rear of a vehicle.

6 (c) This section does not authorize the use of automated
7 enforcement technology for any other purpose.

8 (d) Evidence obtained from technology approved by the
9 commission under Subsection (a) may not be used in the prosecution
10 of an offense other than under Section 224.155 or 224.156.

11 SECTION 6. Section 361.252, Transportation Code, is amended
12 to read as follows:

13 Sec. 361.252. FAILURE OR REFUSAL TO PAY TOLL; OFFENSE.

14 (a) The operator of a [Any--motor] vehicle, other than an
15 authorized [that--is--not--a-police-or] emergency vehicle, that is
16 driven or towed through a toll collection facility[7] shall pay the
17 proper toll.

18 (b) The operator of a vehicle who drives or tows a vehicle
19 through a toll collection facility and does not pay the proper toll
20 commits an offense.

21 (c) An offense under this section is a misdemeanor
22 punishable by a fine not to exceed \$250.

23 (d) In this section, "authorized emergency vehicle" has the
24 meaning assigned by Section 541.201.

25 SECTION 7. Section 361.253, Transportation Code, is amended
26 to read as follows:

1 Sec. 361.253. ADMINISTRATIVE FEE; NOTICE; OFFENSE. (a) In
2 the event of nonpayment of the proper toll as required by Section
3 361.252, on issuance of a written ~~[proper]~~ notice of nonpayment,
4 the registered owner of the nonpaying vehicle is liable for the
5 payment of ~~[legally-bound-to-pay]~~ both the proper toll and an
6 administrative fee.

7 (b) The authority may impose ~~[fix,--revise,--charge,]~~ and
8 collect the administrative fee, so as to recover the cost of
9 collecting the unpaid toll, not to exceed \$100. The authority
10 shall send a written notice of nonpayment to the registered owner
11 of the vehicle at that owner's address as shown in the vehicle
12 registration records of the department ~~[shall--be--sent]~~ by first
13 class mail not later than the 30th day ~~[30-days]~~ after the date of
14 the alleged failure to pay and may require payment not sooner than
15 the 30th day ~~[30-days-from]~~ the date the notice was mailed. The
16 registered owner shall pay a separate toll and administrative fee
17 for each event of nonpayment under Section 361.252.

18 (c) The ~~[If--the]~~ registered owner of a ~~[the]~~ vehicle for
19 which the proper toll was not paid who is mailed a written notice
20 of nonpayment under Subsection (b) and fails to pay the proper toll
21 and administrative fee within the time specified by the notice of
22 nonpayment commits an offense. Each failure to pay a toll or
23 administrative fee under this subsection is a separate offense
24 ~~[issued-under-this-section,--the-registered-owner-shall-be-cited--as~~
25 ~~for--other--traffic-violations-for-the-nonpayment,--and-the-owner-is~~
26 ~~legally-bound-to-pay-a-fine,--not-to-exceed-\$250,--for-each-event--of~~

1 ~~nonpayment.---Neither--the--legal--obligation-to-pay-nor-the-actual~~
2 ~~payment-of-the-fine-shall-affect-the-legal-duty-of--the--owner--for~~
3 ~~any-other-fine-or-penalty-prescribed-by-law].~~

4 (d) It is an exception to the application of Subsection
5 (a) or (c) if the registered owner of the vehicle is a lessor of
6 the vehicle and not later than the 30th day after the date the
7 notice of nonpayment is mailed provides to the authority a copy of
8 the rental, lease, or other contract document covering the vehicle
9 on the date of the nonpayment under Section 361.252, with the name
10 and address of the lessee clearly legible. If the lessor provides
11 the required information within the period prescribed, the
12 authority may send a notice of nonpayment to the lessee at the
13 address shown on the contract document by first class mail before
14 the 30th day after the date of receipt of the required information
15 from the lessor. The lessee of the vehicle for which the proper
16 toll was not paid who is mailed a written notice of nonpayment
17 under this subsection and fails to pay the proper toll and
18 administrative fee within the time specified by the notice of
19 nonpayment commits an offense. The lessee shall pay a separate
20 toll and administrative fee for each event of nonpayment. Each
21 failure to pay a toll or administrative fee under this subsection
22 is a separate offense.

23 (e) It is an exception to the application of Subsection
24 (a) or (c) if the registered owner of the vehicle transferred
25 ownership of the vehicle to another person before the event of
26 nonpayment under Section 361.252 occurred, submitted written notice

1 of the transfer to the department in accordance with Section
2 520.023, and, before the 30th day after the date the notice of
3 nonpayment is mailed, provides to the authority the name and
4 address of the person to whom the vehicle was transferred. If the
5 former owner of the vehicle provides the required information
6 within the period prescribed, the authority may send a notice of
7 nonpayment to the person to whom ownership of the vehicle was
8 transferred at the address provided the former owner by first class
9 mail before the 30th day after the date of receipt of the required
10 information from the former owner. The subsequent owner of the
11 vehicle for which the proper toll was not paid who is mailed a
12 written notice of nonpayment under this subsection and fails to pay
13 the proper toll and administrative fee within the time specified by
14 the notice of nonpayment commits an offense. The subsequent owner
15 shall pay a separate toll and administrative fee for each event of
16 nonpayment under Section 361.252. Each failure to pay a toll or
17 administrative fee under this subsection is a separate offense.

18 (f) An offense under this section is a misdemeanor
19 punishable by a fine not to exceed \$250.

20 (g) The court in which a person is convicted of an offense
21 under this section shall also collect the proper toll and
22 administrative fee and forward the toll and fee to the authority.

23 (h) In this section, "registered owner" means the owner of a
24 vehicle as shown on the vehicle registration records of the
25 department or the analogous department or agency of another state
26 or country.

1 SECTION 8. Section 361.254, Transportation Code, is amended
2 to read as follows:

3 Sec. 361.254. PRESUMPTIONS; PRIMA FACIE EVIDENCE; DEFENSES
4 [PROSECUTIONS]. (a) In the prosecution of an offense [a
5 violation] under Section 361.252 or 361.253, proof that the vehicle
6 was driven or towed through the toll collection facility without
7 payment of the proper toll may be shown by a video recording,
8 photograph, electronic recording, or other appropriate evidence,
9 including evidence obtained by automated enforcement technology.

10 (b) In the prosecution of an offense under Section
11 361.253(c), (d), or (e):

12 (1) it is presumed that the notice of nonpayment was
13 received on the fifth day after the date of mailing;

14 (2) a computer record of the department of the
15 registered owner of the vehicle is prima facie evidence of its
16 contents and that the defendant was the registered owner of the
17 vehicle when the underlying event of nonpayment under Section
18 361.252 occurred; and

19 (3) a copy of the rental, lease, or other contract
20 document covering the vehicle on the date of the underlying event
21 of nonpayment under Section 361.252 is prima facie evidence of its
22 contents and that the defendant was the lessee of the vehicle when
23 the underlying event of nonpayment under Section 361.252 occurred
24 [passed--through--a-toll-collection-facility-without-payment-of-the
25 proper-toll;--together--with--proof--that--the--defendant--was--the
26 registered--owner--of-the-vehicle-when-the-failure-to-pay-occurred;

1 establishes the nonpayment of the registered owner].

2 [b] The court of the local jurisdiction in which the
3 violation occurred may assess and collect the fine, in addition to
4 any court costs. The court shall also collect the proper toll and
5 administrative fee and forward the toll and fee to the authority.]

6 (c) It is a defense to prosecution [nonpayment] under
7 Section 361.253(c), (d), or (e) [361.252 or 361.253] that the motor
8 vehicle in question was stolen before the failure to pay the proper
9 toll occurred and had [was] not been recovered before [by the time
10 of] the failure to pay occurred, but only if the theft was reported
11 to the appropriate law enforcement authority before the earlier of:

12 (1) the occurrence of the failure to pay; or

13 (2) eight hours after the discovery of the theft.

14 [d] A registered owner who is a lessor of a vehicle
15 concerning which a notice of nonpayment was issued under Section
16 361.253 is not liable in connection with that notice of nonpayment
17 if, not later than 30 days after the date the notice of nonpayment
18 is mailed, the registered owner provides to the authority a copy of
19 the rental lease or other contract document covering the vehicle
20 on the date of the nonpayment, with the name and address of the
21 lessee clearly legible. Failure to provide this information within
22 the period prescribed renders the lessor liable as the registered
23 owner. If the lessor provides the required information within the
24 period prescribed, the lessee of the vehicle on the date of the
25 violation is considered to be the owner of the vehicle for purposes
26 of this section and is subject to prosecution for failure to pay

1 ~~the proper toll as if the lessee were the registered owner, if the~~
2 ~~authority sends a notice of nonpayment to the lessee by first class~~
3 ~~mail within 30 days after the date of receipt of the required~~
4 ~~information from the lessor.]~~

5 SECTION 9. Subsection (b), Section 361.255, Transportation
6 Code, is amended to read as follows:

7 (b) Any peace officer [~~law enforcement officer~~] of this
8 state may [~~the Department of Public Safety of the State of Texas~~
9 ~~has the authority to~~] seize a stolen or insufficiently funded
10 transponder and [~~to~~] return it to the authority, except that an
11 insufficiently funded transponder may not be seized sooner than the
12 30th day [~~30 days~~] after the date the authority has sent a notice
13 of delinquency to the holder of the account.

14 SECTION 10. Subchapter G, Chapter 361, Transportation Code,
15 is amended by adding Section 361.256 to read as follows:

16 Sec. 361.256. AUTOMATED ENFORCEMENT TECHNOLOGY. (a) To aid
17 in the collection of tolls and in the enforcement of toll
18 violations, the authority may use automated enforcement technology
19 that it determines is necessary, including automatic vehicle
20 license plate identification photography and video surveillance, by
21 electronic imaging or photographic copying.

22 (b) Automated enforcement technology approved by the
23 authority under Subsection (a) may be used only for the purpose of
24 producing, depicting, photographing, or recording an image of a
25 license plate attached to the front or rear of a vehicle.

26 (c) This section does not authorize the use of automated

1 enforcement technology for any other purpose.

2 (d) Evidence obtained from technology approved by the
3 authority under Subsection (a) may not be used in the prosecution
4 of an offense other than under Section 361.252 or 361.253.

5 SECTION 11. (a) The changes in law made by this Act apply
6 only to the civil or criminal consequences of a nonpayment of a
7 toll that occurs on or after the effective date of this Act.

8 (b) The civil or criminal consequences of a nonpayment of a
9 toll that occurs before the effective date of this Act are covered
10 by the law in effect when the nonpayment occurred, and the former
11 law is continued in effect for that purpose.

12 SECTION 12. This Act takes effect September 1, 2001.

S.B. No. 454

Bill Ratliff
President of the Senate

Peter Lahey
Speaker of the House

I hereby certify that S.B. No. 454 passed the Senate on
March 12, 2001, by a viva-voce vote. _____

Justin King
Secretary of the Senate

I hereby certify that S.B. No. 454 passed the House on
May 23, 2001, by a non-record vote. _____

Sharon Carter
Chief Clerk of the House

Approved:

6/15/01
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

8:30pm O'CLOCK

JUN 15 2001
Secretary of State